IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

MACA.No. 402 of 2003()

OPMV.1374/1997 of MOTOR ACCIDENT CLAIMS TRIBUNAL, MANJERI
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APPELLANT/PETITIONER

SAIDALAVI, S/O. MOHAMMED,
AGED 18 YEARS, CHENAKKEL HOUSE,
P.O.KOORIYYED, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: RESPONDENTS 1,2 & 3
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1. K.SREEDHARAN, S/O. RAMAN, S.G.T.,
KRISHER NAGAR, VIDYA NAGAR, KASARGODE.

2. P.A.HAMSA S/O. ABDULLA,
HOUSE NO.VII/325, KOLLAMPEDY, ANANGOOR, KASARGODE.

3. UNITED INDIA INSURANCE COMPANY LTD.,
BRANCH OFFICE, MANJERI, MALAPPURAM DISTRICT.
(RESPONDENTS 4 TO 7 ARE NOT MADE RESPONDENT IN THIS MACA SINCE THE PETITIONERS ARE NOT CLAIMING ANY RELIEFS AGAINST THEM)

R3 BY ADV. SRI.A.R.GEORGE

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 16/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & M.N. KRISHNAN, JJ.

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M.A.C.A. NO. 402 OF 2003

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Dated this the 16th day of January, 2007.

J U D G M E N T

Krishnan,J.

This is an appeal preferred against the award of the Motor Accidents Claims Tribunal, Manjeri in O.P.(MV) 1374/97. The claimant sustained severe injuries in a road accident and the Tribunal has awarded a compensation of Rs.1,96,000/-. It is against that decision the claimant has come up in appeal. When the matter came up for admission this Court referred the claimant to a Medical Board to assess the percentage of disability. A Medical Board has been constituted by the Medical College Hospital Authorities, Calicut and as per their certificate dated 28/11/06, the claimant's permanent disability is fixed at 63%. The disability was on account of the residual weakness of the lower limbs, the upper limb was also found to be defective with a moderate defect in hearing. The Tribunal at the time of passing the award has fixed the permanent disability at 50% and calculated the compensation. The Tribunal has taken the income at Rs.1,500/-. When the

additional disability of 13% is taken into consideration, the permanent disability compensation would come to an Additional amount of Rs.37,440/-. It is also seen that the Tribunal has not awarded any compensation at all for the loss of amenities and enjoyment in life. This is a case where the disability is 63%. Therefore, we feel some amount has to be granted under that head. So an additional amount of Rs.15,000/- is awarded as additional compensation under that head.

Therefore, the M.A.C.A. is disposed of and the claimant is awarded an additional compensation of Rs.52,440/- with 7% interest on the said sum from the date of petition till realisation and the Insurance Company is directed to deposit the same within a period of two months from the date of receipt of a copy of this judgment.

K.S. RADHAKRISHNAN, JUDGE.

M.N. KRISHNAN, JUDGE.

ul/-